

REMARKS

The changes required by the Examiner to the Abstract and Specification are made by this amendment. Additionally, the word "horizontal" is deleted by this amendment from claim 2 in order to obviate the basis for the rejection made by the Examiner under 35 U.S.C. §112.

Claim 1 has been amended such that it sets forth the feature of the invention that the side barrier arm is curved and curves away from the main body section of the shoe rack.

This is totally distinct from the prior art cited and relied upon by the Examiner, namely the patents to Cicero and McCarthy. The "arms" 5 shown in the Cicero patent are straight members, as are the brackets 16 disclosed by McCarthy. Consequently, the curved side barrier arms recited in amended claim 1 are nowhere taught or suggested by any of the prior art references. Additionally, the curved arm feature is significant from a practical standpoint in that it provides added strength by virtue of the arch type structure provided by the curved arm 132 in Fig. 13, while the curved arm 132 likewise provides a more effective side barrier in that it projects upwardly more than a straight arm extending between the same two terminal points.

For these reasons, amended claim 1 is submitted to be clearly allowable over the known prior art. Claim 2 has been amended to obviate the basis for the rejection made under 35 U.S.C. §112 and is allowable by reason of its dependence upon an allowable parent claim.

Claim 3 has been added and calls for the support arms and the shoe retaining bars to be arranged to receive and hold shoes on the bars with the shoes angled downwardly as they extend toward the door. This aspect of the invention is best shown in Figs. 12 and 13 of the application drawings, and it results in the shoes being held in a stable position because they angle

downwardly toward the door which can serve as a stop or barrier preventing the shoes from falling off of the shoe rack.

This is in contrast to shoe racks such as that of Cicero, wherein the arms and rods are oriented such that the shoes angle downwardly away from the door. With this type of structure, the shoes can simply fall off of the front of the shoe rack on the edge remote from the door because there is no barrier there at the lowermost end of the plane on which the shoes rest. Therefore, shoe racks such as Cicero provide for a much less stable retention of shoes than shoe racks such as that called for by claim 3, wherein the shoes angle upwardly toward the front end where they are more likely to fall off of the shoe rack when the door is swung open or closed.

Applicants acknowledge the McCarthy patent but submit that it is directed to a car rack having nothing to do with holding shoes and is unsuitable for use as a shoe rack. The McCarthy rack is obviously only applicable to a car and not to a closet door. In this respect, it is pointed out that claim 3 calls for a shoe rack which hangs on a door, and this distinguishes the invention of claim 3 from anything taught by McCarthy. This difference is significant because a shoe rack that hangs on a door must exhibit stability because the door is swung open and closed and thereby applies forces to shoes tending to dislodge them from the shoe rack. The McCarthy car rack is not subject to swinging motions such as that of a door, and it is thus not surprising that the McCarthy device is constructed in a totally different manner for service in a different environment.

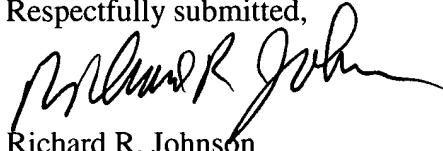
For these reasons, added claim 3 is submitted to be clearly allowable over the prior art.

In view of the foregoing, it is respectfully submitted that all of the claims 1-3 are allowable and that this application is in full condition for allowance. A formal notice to that

effect is respectfully requested in due course. If the Examiner believes that a telephone conference will in any way expedite the advancement of this case, she is invited to call the undersigned at her convenience.

The Commissioner is hereby authorized to charge any additional fees that are required, or credit any overpayment to Deposit Account No. 19-2112.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard R. Johnson", written in a cursive style.

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